

REMARKS

In response to the Office Action dated January 14, 2005, Applicants respectfully request reconsideration and withdrawal of the rejections of the claims.

In response to the objections to the disclosure, the Abstract has been amended to remove legal phraseology and the Appendix has been deleted. Figure 1 of the drawings has been revised to show the enlarged view as a separate figure, and the Brief Description of the Drawings has been amended to conform with this change.

Claims 1-10 were rejected under 35 USC § 103 as being unpatentable over the Sinopoli patent (US 3,049,688) in view of the Lau et al patent (US 5,568,942), either by themselves or in combination with tertiary references. To clarify the distinguishing features of the invention, the subject matter of the claims has been amended to recite "A safety electrical accessory". Claim 1 now states that the first body member comprises (i) a first receiving portion, and (ii) a second receiving portion provided with at least two pins protruding therefrom. Claim 1 now also recites that the second plug member is provided with at least two apertures sized and shaped to receive the two pins of the second receiving portion and the second plug member is dis-connectable from the first body member upon pulling of and/or accidental tripping over the electric cord. Support for these amendments can be found in at least original Claims 1 and 3; page 3, lines 20-23; and page 7, lines 11-15 and 28-30.

Sinopoli et al discloses a very old fashioned extension cord for adding an additional length to an electric cord of an appliance. While the embodiment of the present invention illustrates an extension cord-like article, that is not the gist of the invention. The present invention relates to a *safety* electrical accessory which, when used with a conventional electric appliance, prevents the appliance from being unintentionally pulled or an electric cord of the appliance from being tripped over. In fact, the first and second plug members of the second body member can, in principle, be connected by a very short electric cord, or the first and second plug members can be connected directly together without any electric cord at all. As such, the main purpose of the subject matter recited in Claim 1 is not to function as a traditional extension cord. Amended Claim 1 now actually does not require

the presence of any electric cord for connecting the first and second plug members. For this reason, a skilled person seeking to invent a safety electrical accessory (such as the claimed invention) simply would not look to a reference concerning an extension cord system for adding an additional length to an electric cord of an appliance.

As indicated in the present application, there is still in existence a large variety of electric appliances that are equipped with conventional electric cords fixedly attached thereto (page 3 lines 10 to 14). The most straightforward and logical way to overcome the problem of existing electric appliances not equipped with a detachable cord nowadays would have been simply to replace these appliances with new appliances having such a detachable cord. There would be no motivation for a skilled person in the art to look to references concerning extension cords which are mainly used for extending the effective length of the electric cord of an appliance such that it may be used further away from an electric mains.

Even if a skilled person did consider Sinopoli et al, there is no teaching, suggestion or motivation in Sinopoli et al for solving the problem which the present invention solves.

Lau et al relates to an electric appliance equipped with a detachable power cord, while the present invention relates to an electrical accessory. These are two entirely different types of products, and a skilled person in the art seeking to address the problem associated with conventional electric appliances would not look to Lau et al for solution.

There is no teaching, suggestion or motivation in Lau et al of an alternative device or electrical accessory for solving the problem which the present invention solves. Due to its detachable power cord, the appliance disclosed in Lau et al does not suffer from the problem to which the claimed invention is directed.

Section 2143.01 in the MPEP states that "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so ...". In view of the foregoing reasons, the presently claimed invention is not obvious because there is no motivation disclosed in the references that would lead one to combine them in the manner suggested in the Action. Page 2100-131 of the MPEP states that "The mere fact that

references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination...". There is no suggestion in either Sinopoli et al or Lau et al of any desirability of combining Sinopoli et al with Lau et al.

Page 2100-131 of the MPEP also states that the "fact that the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient by itself to establish *prima facie* obviousness...". At page 4, the Office Action asserts that it would have been obvious for "a person of ordinary skill in the art at the time the invention was made to form the second member of the second body member as a plug that can be releasably engageable with the first body, as taught by Lau, to prevent the first body member from being turned over when the second body is accidentally pulled". Such assertion is not in conformance with the MPEP since it fails to provide any motivation to make such a modification of the references in the first place.

The claimed invention provides unexpected advantages. For instance, the present invention could be used with a nightlight at any desired location. In the unfortunate event that a person is tripped by the electric cord of the electrical accessory (at night when it is darker), the electric cord would readily disengage from the first member and the person (e.g. an elder) would not be tripped and injure himself/herself. This advantage is not contemplated by the references, and any logical combination of their teachings does not result in a product that addresses this problem.

Another technical application is that any conventional electric appliance can be used with an electrical accessory of the claimed invention in the middle of a living room or in a backyard where there is absence of an electric socket. If a conventional extension cord were used it still would not solve the problem of accidentally tripping over the electric cord of the appliance.

In view of the foregoing, it is respectfully submitted that the claimed subject matter is patentable over the teachings of the cited references. Reconsideration and withdrawal of the rejections is respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date May 16, 2005

By:

A handwritten signature in black ink, appearing to read "James A. LaBarre", written over a horizontal line.

James A. LaBarre

Registration No. 28,632

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

AMENDMENTS TO THE DRAWINGS

Replace the sheet of drawings containing Figure 1 with the accompanying Replacement Sheet containing Figures 1a and 1b.

In the Replacement Sheet, the enlarged view of the adapter has been labeled as a separate figure.